

Supplemental Temporary Outdoor Permit Guidelines
*Regarding Overnight Storage of Furnishings and other related items within
the public right-of-way*

The City of Hermosa Beach is providing this supplemental guidance to temporary outdoor business permit holders related to the overnight storage of furniture and use of overhead power sources to provide lighting in response to requests and inquiries from our local businesses as they seek to enhance these temporary outdoor spaces.

Temporary outdoor permit holders within the City Right of Way are required to comply with the temporary outdoor dining standards as set forth in attached Exhibit A, and the permit holder's Encroachment Permits, which are the established standards for temporary outdoor permits in the right-of-way. The supplemental guidance is provided below.

Overnight Storage of Furnishing

Permit holders are additionally required to remove all furnishings, shade canopies, umbrellas, barriers, planters and other items overnight and stored inside their adjacent businesses in order to meet said standards, *with the following exceptions:*

1. **Pier Plaza/Loreto Plaza** - Business requesting to install more permanent furnishings, shade structures, surfaces, barriers, planters etc., to enhance the attractiveness and sense of permanence of their outdoor area may be allowed to store or leave them overnight subject to the following:
 - A. A detailed site plan and furnishings plan including details of tables, chairs, shade structures, planters, lighting fixtures, and including surface materials or other fixtures shall be submitted for review and approval to the City before any item can be stored overnight.
 - B. A surface or flooring material shall be identified in the plan, and installed to keep the underlying surfaces from being stained or damaged. Said surface covering shall protect the underlying surface (such as rubber-backed artificial turf, rubber matting, or other similar material).
 - C. Barriers shall be provided around the perimeter of the dining area to prevent non-customers walking through the area when being used for dining purposes and when being used for storing furnishings and other items overnight.
 - D. A detailed program shall be submitted for review and approval to include a list of what items would be stored in the right-of-way overnight, and what items will be stored indoors.
 - E. The program shall include a schedule to fully remove all items once or twice a week to clean the area as required by the attached outdoor dining standards.

2. **Dining Decks/Parklets** -Businesses may store furnishings such as tables, chairs, shade structures and other items on their privately constructed dining decks/parklets but are responsible for keeping these items secure and locked to prevent theft.

Electric Power for Temporary Outdoor Dining/Retail/Business Areas

While solar or battery powered equipment is preferred/encouraged the use of overhead power for the purposes of lighting will be permitted consistent with the following standards:

- A. No wires of any kind may run on or across the ground of the public street or sidewalk.
- B. Overhead wires provide a minimum of 10 feet of clearance above all city property or pedestrian walkway.
- C. Each business is limited to one overhead electric cable across the sidewalk or public right-of-way. If multiple cables are used, they should be bundled at one location to reduce visual clutter.
- D. Extension cords must be rated for outdoor use and must be plugged into a GFCI outlet.
- E. Other types of power sources will be evaluated upon submittal of a plan to the City of Hermosa Beach Building Division, but must be at least 10 feet above the street/sidewalk.

Exhibit A

OUTDOOR DINING DESIGN AND OPERATIONAL STANDARDS

I. INTRODUCTION

- A. The Outdoor Dining Design and Operational Standards are adopted pursuant to Executive Order 2020-05 in order to establish specific design and operational criteria for temporary outdoor dining on public and private areas.
- B. An outdoor dining area is a place on the public sidewalk, public parking stalls, public metered parking spaces, private parking stalls, or other private areas, where patrons may consume food and/or beverages provided by an adjacent and nearby food service establishment.
- C. Establishments serving alcoholic beverages that apply for a Temporary Outdoor Dining Permit shall meet the additional requirements of the State of California Alcohol Beverage Control Board.
- D. These standards and procedures regulate the design and operation of temporary outdoor dining areas. However, they do not provide information on all the government agency requirements for starting a new restaurant or expanding an

existing one. Business owners must secure the appropriate licenses and permits from the State Alcohol Beverage Control Board, Los Angeles County Health Department, the City of Hermosa Beach Community Development Department, Public Works Department, and Business License Office.

- E. Approved Temporary Outdoor Dining Permits shall be affective for the duration of the Executive Order, and this Temporary Permit will expire immediately upon Los Angeles County and approval to reopen at capacity levels established prior to the emergency order, and the outdoor area shall be returned to its previous condition.
- F. These regulations apply to outdoor dining on private property and the public right-of-way.

II. APPLICATION PROCEDURE

- A. An application for a Temporary Outdoor Dining Permit shall be obtained from the Community Development Department. A site plan drawn to-scale shall accompany the application form. The plan shall delineate the proposed outdoor area and the layout of furnishings and allowable amenities.
- B. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be provided to the Public Works Department, with the City of Hermosa Beach named as Additionally Insured, prior to issuance of an encroachment permit.
- C. If the food establishment has an existing license from the California Department of Alcohol Beverage Control (ABC), the food establishment must obtain a temporary permit from both the City of Hermosa Beach and ABC. Applicants shall adhere to ABC conditions of approval prior to serving alcohol. Outdoor permits with proposed alcohol consumption shall be reviewed by the City's Police Department prior to the City permit issuance or ABC approval process and are subject to the City's On-Sale Alcohol Beverage Establishment, General Provisions HBMC Section 17.40.080(A)(1-4).
- D. A Temporary Sign Permit Application shall be submitted in conjunction with the Temporary Outdoor Dining Permit only if temporary signage shall be displayed in the outdoor area. No additional fee shall be paid for the Temporary Sign Permit.
- E. Review of Temporary Outdoor Permits shall be expedited. Applications that do not require review from other Departments (Public Works and/or the Police Department) will be further expedited for review.

III. OUTDOOR DINING SITES

- A. The outdoor dining area shall be permitted in public sidewalks, public street parking or parking areas or other private property located nearby the business. If the business has on-site parking, a portion of the private parking may be used for outdoor dining/seating.
- B. The maximum area of either private or public areas (or the areas combined) may not exceed the area needed to compensate for the loss of capacity of the interior area of the business to achieve social distancing in accordance LA County Health and State of California guidelines.
- C. The buildings adjacent to these dining areas shall maintain building egress as defined by the California Building Code and Title 24 Disabled Access Standards.
- D. The final location and configuration of the outdoor retail area shall be subject to approval by the Director of the Community Development Department, who shall consider public safety issues and maintenance of minimum clearances to comply with ADA requirements and the safety and convenience of pedestrians and customers.

IV. DESIGN STANDARDS

- A. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that satisfies these Standards and of the Alcohol Beverage Control Board if alcohol is to be served.
- B. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the pavement they must be fixed through the use of recessed sleeves and posts, otherwise by wheels that can be locked into place or weighted in place. No signs or banners of any kind shall be placed, displayed or erected on barriers
- C. The appearance should be made attractive with potted plants or other decorative elements to provide an enhanced and inviting outdoor environment.
- D. No additional parking shall be required for the outdoor dining. To the extent feasible, if existing parking is available, parking spaces should continue to be available to customers. Parking approval will be determined on a case-by-case scenario.

V. Standards of Operation

- A. Restaurant management is responsible for operating and maintaining the outdoor dining area and shall not delegate or assign that responsibility. Outdoor dining areas shall be continuously supervised by management to ensure social distancing guidelines are being met.
- B. Outdoor dining areas are limited to dine-in customers being served from the restaurant (i.e. they cannot be destinations for take out food and beverages). Alcohol can only be served to customers in conjunction with a food order.
- C. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- D. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's storm water quality regulations.
- E. Upon termination of the Outdoor Dining Encroachment Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.
- F. The allowable hours of operation will be reviewed on a case-by-case basis, but in no case shall the hours of operation exceed the business's normal operation hours or be open after 11:00 p.m.

VI. ENFORCEMENT

- A. Notice of violation of the outdoor dining design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Permittee, the Director may suspend or revoke the Encroachment Permit.
- B. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Permit issuance, or other unforeseen problems with the Temporary Permit, the Community Development Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary

Permit has created neighborhood, Police or Code Enforcement problems, the Temporary Permit may be revoked.